

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Preventing Sexual Violence in Higher Education Act is amended by adding Section 35 as follows:

(110 ILCS 155/35 new)

Sec. 35. Sexual misconduct climate survey.

(a) As used in this Section:

"Base survey" means a base set of common questions recommended by the Task Force on Campus Sexual Misconduct Climate Surveys and approved by the Executive Director of the Board of Higher Education.

"Student" means a person who is enrolled in a public or private degree-granting, post-secondary higher education institution, whether part-time, full-time, or as an extension student, including any person who has taken a leave of absence or who has withdrawn from the higher education institution due to being a victim of sexual misconduct.

"Trauma informed" means an understanding of the complexities of sexual violence, domestic violence, dating violence, or stalking through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding sexual violence, domestic

violence, dating violence, or stalking, and understanding the behavior of perpetrators.

(b) Each higher education institution shall annually conduct a sexual misconduct climate survey of all students at the institution. Each higher education institution's sexual misconduct climate survey shall include the base survey, which the Board of Higher Education shall provide to the institution every 2 years. Each institution may append its own campus-specific questions to the base survey if questions do not require the disclosure of any personally identifying information by the students and are trauma informed. The Board of Higher Education, in consultation with the Office of the Attorney General, as necessary, shall review any complaints submitted by students who believe that questions included in the campus sexual misconduct climate survey are traumatizing. Within 120 days after completion of a sexual misconduct climate survey, but no later than one year after the Board of Higher Education issued the last base survey, each institution shall compile a summary of the results of the sexual misconduct climate survey, including, but not limited to, the complete aggregated results for each base survey question, and shall submit the summary to the Board of Higher Education, as well as publish the summary on the institution's website in an easily accessible manner.

(c) The Task Force on Campus Sexual Misconduct Climate Surveys is created. The Task Force shall consist of the

following members:

(1) the Executive Director of the Board of Higher Education or a designee, who shall serve as chairperson;

(2) the Governor or a designee;

(3) one member of the Senate, appointed by the President of the Senate;

(4) one member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(5) one member of the Senate, appointed by the Minority Leader of the Senate;

(6) one member of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(7) the Attorney General or a designee;

(8) the Director of Public Health or a designee; and

(9) the following members appointed by the Governor:

(A) one member who is a student attending a public higher education institution in Illinois;

(B) one member who is a student attending a private higher education institution in Illinois;

(C) one member who is a student attending a community college in Illinois;

(D) one member who is a representative of the University of Illinois recommended by the president of the university;

(E) one member who is a representative of the

Illinois Community College Board;

(F) one member who is a representative of private colleges and universities recommended by the Federation of Independent Illinois Colleges and Universities;

(G) 3 members who are representatives of survivors of sexual assault recommended by the Illinois Coalition Against Sexual Assault, with one specifically representing survivors in rural communities and one specifically representing survivors in urban communities;

(H) one member who is a representative of a non-profit legal services organization that provides legal representation to victims of campus sexual assault in Illinois;

(I) one member who is a representative recommended by the Illinois Coalition Against Domestic Violence;

(J) one member who is a representative recommended by Equality Illinois;

(K) one member who is a representative of an immigrant rights advocacy organization;

(L) one member who is a representative recommended by the Every Voice Coalition or any successor organization of the Every Voice Coalition;

(M) one member who is a researcher with experience in the development and design of sexual misconduct

climate surveys; and

(N) one member who is a researcher of statistics, data analytics, or econometrics with experience in higher education survey analysis.

The Task Force shall hold its first meeting as soon as practicable after the effective date of this amendatory Act of the 102nd General Assembly. Administrative and other support for the Task Force shall be provided by the Board of Higher Education. Members of the Task Force shall serve 2-year terms that commence on the date of appointment. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled by the appointing authority. Any vacancy occurring other than by expiration of the term shall be filled for the balance of the unexpired term. A majority of the Task Force shall constitute a quorum for the transaction of any business.

Members of the Task Force shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties if funds are available. However, the higher education institution in which a student member is enrolled may compensate that student for participating on the Task Force through a work-study program or by providing a stipend to support the work of the student member on the Task Force.

(d) The Task Force shall develop and recommend to the Board of Higher Education the base survey for distribution to

higher education institutions and provide the Board of Higher Education with any related recommendations regarding the content, timing, and application of the base survey. The Task Force shall deliver the base survey and related recommendations, including, but not limited to, recommendations on achieving statistically valid response rates, to the Board of Higher Education no less often than every 2 years and for the first time on or before July 31, 2022. Thereafter, the Task Force shall meet in the year 2024 and in the year 2026 to review the results of the survey and to implement updates and improvements. The Task Force is dissolved after the completion of the 2026 base survey. After the dissolution of the Task Force, the Executive Director of the Board of Higher Education or a designee shall review the base survey every 2 years to consider any feedback that has been received and to implement improvements.

(e) In developing the base survey, the Task Force shall:

(1) utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and use of sexual misconduct climate surveys by higher education institutions;

(2) review sexual misconduct climate surveys that have been developed and previously utilized by higher education institutions in Illinois and by other states that mandate campus climate surveys;

(3) provide opportunities for written comment from

survivors and organizations that work directly with survivors of sexual misconduct to ensure the adequacy and appropriateness of the proposed content;

(4) consult with institutions on strategies for optimizing the effectiveness of the survey;

(5) account for the diverse needs and differences of higher education institutions; and

(6) review the base survey to ensure that the strategy for gathering information is trauma informed.

(f) The base survey shall gather information on topics, including, but not limited to:

(1) the number and type of incidents, both reported to the higher education institution and unreported to the higher education institution, of sexual misconduct at the higher education institution;

(2) when and where incidents of sexual misconduct occurred, such as on campus, off campus, abroad, or online;

(3) student awareness of institutional policies and procedures related to campus sexual misconduct;

(4) whether a student reported the sexual misconduct to the higher education institution and, if so, to which campus resource such report was made and, if not, the reason for the student's decision not to report;

(5) whether a student reported the sexual misconduct to law enforcement and, if so, to which law enforcement

agency such report was made;

(6) whether a student was informed of or referred to local, State, campus, or other resources or victim support services, including appropriate medical care, advocacy, counseling, and legal services;

(7) whether a student was provided information regarding his or her right to protection from retaliation, access to school-based accommodations, and criminal justice remedies;

(8) contextual factors, such as the involvement of force, incapacitation, coercion, or drug or alcohol facilitation;

(9) demographic information that could be used to identify at-risk groups, including, but not limited to, gender, race, immigration status, national origin, ethnicity, disability status, sexual orientation, and gender identity;

(10) perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct;

(11) whether the student has chosen to withdraw or has taken a leave of absence from the institution or transferred to another institution;

(12) whether the student has withdrawn from any classes or has been placed on academic probation as a

result of the incident; and

(13) other questions as determined by the Task Force.

All questions on the base survey shall be optional or shall offer the student the option to select "I prefer not to answer" as a response on the survey.

(g) The sexual misconduct climate survey shall collect anonymous responses and shall not provide for the public disclosure of any personally identifying information. No institution may use or attempt to use information collected through the sexual misconduct climate survey to identify or contact any individual student on campus, nor shall the results of the survey be used as the basis for any type of investigation or disciplinary or legal proceeding.

(h) There shall be established within the Office of the Board of Higher Education a data repository for all summaries of sexual misconduct climate surveys submitted by higher education institutions to the Board of Higher Education in accordance with subsection (b). The Board of Higher Education shall ensure that the sexual misconduct climate survey data submitted by all institutions is available to the public in an easily accessible manner on the Board of Higher Education's website.

(i) Each higher education institution shall publish on the institution's website in an easily accessible manner:

(1) the campus level results of the survey;

(2) the annual security report required under the

federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act;

(3) the reports required under Section 9.21 of the Board of Higher Education Act; and

(4) a link to the Board of Higher Education's statewide data on sexual misconduct climate survey data as set forth in subsection (h).

(j) The Board of Higher Education shall establish rules and procedures, including deadlines for dissemination and collection of survey information, consistent with the purposes of this Section and shall promote effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from higher education institutions.

(k) Upon determination, after reasonable notice and opportunity for a hearing, that a higher education institution has violated or failed to carry out any provision of this Section or any rule adopted under this Section, the Board of Higher Education may impose a civil penalty upon such institution not to exceed \$50,000, which shall be adjusted for inflation annually, for each violation. The Board of Higher Education shall use any such civil penalty funds to provide oversight of this Section and to provide funding to community organizations that provide services to sexual assault victims. The Attorney General may bring an action in the circuit court to enforce the collection of any monetary penalty imposed

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under this subsection (k).

Section 99. Effective date. This Act takes effect upon becoming law.